

Parliament, Parties, Polls and Islam: Issues in the Current Debate on Religion and Politics in Pakistan

by
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The ideological and political history of Pakistan is marked by a continuing debate on the nature of the Islamic political system and its concrete manifestation in the constitutional framework of the state. Even the Objectives Resolution which was adopted in 1949 and was hailed by the religious political groups as a "landmark" in the history of Islamic constitutional thought could not bring about a broad consensus among the politically relevant sectors of society. The three subsequent constitutions adopted in 1956, 1962, and 1973 have also failed to resolve the controversies over the nature, characteristics, functions, and structure of an Islamic state.¹

The problem assumed new significance after the present martial law regime of General Mohammad Zia-ul-Haq initiated the process of Islamization, postponed the scheduled general elections and extended its tenure for an indefinite period. These moves were preceded by President Zia-ul-Haq's expressing his aversion for the Western democratic system and its institutions (i.e., parliament, parties, elections, etc.). He felt that there was no scope for such divisive institutions in an Islamic polity and

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¹For the history and analysis of Islamic constitution-making in Pakistan, see Leonard Binder's penetrating study, *Religion and Politics in Pakistan* (Berkeley: University of California Press, 1961). See also, Inamur Rahman, *Public Opinion and Constitution-Making in Pakistan* (Karachi: Oxford University Press, 1980); Khalid B. Sayeed, *The Political System of Pakistan* (Boston: Houghton Mifflin Company, 1967); Karl von Vorys, *Political Development in Pakistan* (Princeton, N.J.: Princeton University Press, 1965); Keith Callard, *Pakistan: A Political Study* (New York: The Macmillan Company, 1957); Herbert Feldman, *Revolution in Pakistan* (Karachi: Oxford University Press, 1967); Lawrence Ziring, *The Ayub Khan Era* (Syracuse, N.Y.: Syracuse University Press, 1971); Freeland K. Abbot, *Islam in Pakistan* (Ithaca, N.Y.: Cornell University Press, 1968); and Syed Abul 'Ala Maududi, *Islamic Law and Constitution* (Lahore: Islamic Publications, 1967).

that he would introduce an alternative political system based on truly Islamic principles.² He gave no details of what he actually meant by a "true Islamic polity", but it was apparent from his statements and actions that this "true Islamic polity" was anything but what is generally recognized as democratic. This polity, moreover, was not necessarily founded on the principle of majority rule. It was quite possible—and indeed legitimate—in this system for an individual or a group to continue ruling the country against the wishes of the majority of the people. President Zia asserted that according to Islam only "right decisions" were to be respected and, if the majority were "misguided", its verdict would have to be ignored. Addressing a public meeting in Islamabad in 1983, for example, President Zia said:

"Islam supports democracy but Islamic democracy is different from the Western democracy. . . In Islamic democracy, a decision taken by majority will only be valid if it conforms with Islamic teachings; otherwise, it will be rejected altogether."³

It was against this background that a former judge of the Pakistan Supreme Court, Mr. B.Z. Kaikaus, filed a petition before the Shariat Bench of the Lahore High Court in October 1979, contending that the parliamentary form of the government and the current party and election system were repugnant to Islamic teachings. The major points of his petition, which he argued before the Court, were the following:

- a) Parliament is not a sovereign body in an Islamic society; therefore, a Muslim citizen is not bound to obey the parliament. Furthermore, there are always different groups and parties in the parliament which oppose each other. Due to their diversified views, politics founded on parliamentary democracy would lead to the ruin of the umma.
- b) The government and *Khalifa* are indivisible in Islam. A Muslim ruler is a "successor" of the Holy Prophet. All authority has been delegated by God to this ruler. Obedience, therefore, must be given to him and not to the parliament which is only a *shoora*. He may, however, consult the *shoora* whenever he deems it necessary.
- c) The only check on the ruler is that he is required to govern in accordance with the Qur'an and Sunna.

²President Zia-ul-Haq has expressed his strong reservations about the norms and institutions of the Western democracy in many of his speeches, statements and interviews. See, for example, M. Zia-ul-Haq, *Interviews to Foreign Media*, Vol. 1, (Islamabad: Government of Pakistan, Ministry of Information and Broadcasting, n.d.), pp. 4, 130-131; *March Towards Islamic Democracy: Address to Federal Council, January 11, 1982* (Islamabad: Government of Pakistan, Ministry of Information and Broadcasting, 1982), pp. 7-8.

³Daily *Jang* (Rawalpindi), 13 September 1983.

d) The *shoora* need not be a representative body since the principle of popular representation is not found in the Qur'an and Sunna. Members of the *shoora* should be preferably nominated by the judges of the Supreme and High Courts. This *shoora* would then choose the *Amir* from among its own members. There is no provision in Islam for the election of a head of state through popular vote.

e) No legislation is allowed in Islam: the *shoora* is thus not a legislative body; it is responsible only for implementing *shariah*. The *Amir*, however, can issue orders in the form of ordinances within the limits of Islamic law and he does not need to consult anyone in this regard.⁴

It would appear from Mr. Kaikaus' contentions that an Islamic state consists of rule by only one person, who possesses all power and authority to govern the country in accordance with his own perceptions and views of what the Qur'an and Sunna demand. Since the masses are believed to be generally illiterate and ignorant of the teachings of Islam, they will therefore have no say in the election of either the *shoora* or the *Amir-ul-Momeneen*.

Justice Kaikaus, however, was not alone in interpreting Islamic political theory in a manner which would legitimize an authoritarian regime in Islamic terms. He was joined by another former judge of the Lahore High Court, Justice A.R. Changez who also argued that there was no place for democracy in Islam.⁵ "Just as we do not like the term 'Islamic socialism'," Justice Changez maintained, "we must (also) discard the combination 'Islamic democracy'."⁶ Quoting from Justice Muhammad Munir's *From Jinnah to Zia*,⁷ Justice Changez contended that none of the requisites of democracy, namely, adult franchise, periodic accountability through elections, multiple party system and educated electorate, are to be found in Islam.⁸ Commenting on Mr. Z.A. Suleri's article on Pakistan's current political crisis,⁹ Justice Changez said that if Mr. Suleri could "exclude democracy" from his proposal to solve Pakistan's political problems, he "will not disagree with him."¹⁰

Justice Changez rejected democracy both because of its philosophical

⁴For details on Mr. Justice (Rtd.) Kaikaus' petition, see, *The Muslim* (Islamabad), *The Pakistan Times* (Rawalpindi) and *Daily Nawa-i-Waqt* (Lahore) of 19 October and 27 October 1979.

⁵Justice A.R. Changez, "Concept of Islamic Government", *The Pakistan Times* (Lahore), 23 August 1980.

⁶Justice A.R. Changez, "Pakistan's Dilemma--", *The Pakistan Times* (Lahore), 5 November 1980.

⁷*From Jinnah to Zia* (Lahore: Vanguard Publications, 1981).

⁸"Pakistan's Dilemma", *The Pakistan Times* (Lahore), 5 November 1980.

⁹*The Pakistan Times* (Lahore), 31 October 1980.

¹⁰*The Pakistan Times* (Lahore), 5 November 1980.

assumptions and because of its institutional structures: In modern democracy, sovereignty rests with people "but in Islam sovereignty rests with Allah".¹¹ Moreover, "Islam does not recognize any [political] parties within its fold". Muslims are one umma (*Millat-i-wahida*), guided by the Qur'an and Sunna.¹²

In a recent article,¹³ Justice Changez argues his case against political parties on the basis of the following verses of the Qur'an:

"And be not like those who became divided and disagreed after clear arguments had come to them, and these it is that shall have grievous chastisement." (III:105)

"Surely they who divided their religion into parts and became sects, you have no concern with them; their affair is only with Allah, then He will inform them of what they did." (VI:159)

". . . And be not of the polytheists, of those who divided their religion and became sects, every sect rejoicing in what they had with them." (XXX:31-32)

It is clear from the above verses, Justice Changez argues, that the Qur'an forbids the formation of political parties because of their divisive nature. Political parties, according to him, are just like sects which hit at the very roots of the unity and solidarity of the Muslim umma. "When we have one God, one prophet, one book and one objective, namely, the establishment of God's sovereignty and the enforcement of His laws, then why do we need several parties with their separate political manifestoes?", Justice Changez asks.¹⁴ There may be a need for separate organizations in an Islamic society for the purposes of "division of work" but political groupings are totally disallowed in Islam.¹⁵

Some 'ulama also joined in support of these contentions. Maulana Mufti Mohammad Husain Naimi, a prominent leader of the *Jamiyat-i-'ulama-i-Pakistan* and a member of the Council of Islamic Ideology, said that what really mattered was the enforcement of *shariah*, and that too much time should not be wasted in discussing the political means to achieve this objective. Mufti Naimi went so far as to say that "Islamic history provides us with examples of varieties of forms of government; all of them were legitimate."¹⁶ Maulana Mohammad Malik Kandhalvi, a

¹¹*Ibid.*

¹²*Ibid.*

¹³"Islam aur Jamhuriyat" (Islam and democracy), *Mashriq International* (Lahore), 7 October 1984.

¹⁴*Ibid.*

¹⁵*Ibid.*

¹⁶Daily *Nawa-i-Waqt* (Lahore), 28 September 1979.

prominent *'alim* of *Deobandi* persuasion, also argued against the institution of universal adult franchise and proposed a system under which the right to elect the *Amir* and members of the *shoora* was restricted to a few "qualified" individuals.¹⁷ Some *'ulama* maintained on the authority of Maulana Mohammad Idris Kandhalvi, the author of *Islamic System and Islamic Constitution*, that in certain aspects, the Islamic system exhibited important similarities with the system of kingship and personal rule. They also opposed the establishment of an elaborate, permanent institutional structure to fulfill the Qur'anic requirement of *shoora* and said that the ruler can conduct the *shoora* "by holding a brief and informal session" with his confidants whenever there is an important decision to be made.¹⁸

As for the modality of the appointment of the head of state, Mufti Abdul Qayyum, another well-known *Deobandi 'alim* said that even if a person assumed political power by force or without right and established his control over the country with his military might, the people and the *'ulama* should accept him as legitimate ruler and cooperate with him in good faith as long as he was willing to enforce the *shariah*.¹⁹ This was exactly the same view expressed by President Zia in an interview he gave to the BBC. President Zia asserted that there was no contradiction between Islam and the military dictatorship. He said:

"The real concept of Islam is that it does not say through which manner you should come and assume power but what is important is that those who have assumed the responsibility of running the country, if their performance is in accordance with [the] Qur'an and Sunnah, the source is not challengable."²⁰

As for the role of the *shoora* and its composition, President Zia could also find support in a mandate given earlier by Maulana Mufti Mohammad Shafi', the *Mufti-i-Azam* of Pakistan. In a book published in 1976, Mufti Shafi' wrote that the ruler was entitled to select his own *shoora* and that it did not need to be elected by the people.²¹ According to him, the majority opinion, in most cases, is "misguided" and "harmful". The ruler should therefore only use the *shoora* as a means to "enlighten

¹⁷Daily *Nawa-i-Waqt* (Lahore), 25 October 1978.

¹⁸Daily *Nawa-i-Waqt* (Lahore), 28 September 1979.

¹⁹*Ibid.*

²⁰President Mohammad Zia ul-Haq, *Interview with BBC Correspondent, Rawalpindi, 12 October 1982* (Islamabad: Government of Pakistan, Ministry of Information and Broadcasting, n.d.), p. 12.

²¹Maulana Mufti Mohammad Shafi, *Islam mē mushwarah ki ahmiyat* [The Importance of Consultation in Islam], (Lahore: Adara Islamiyat, 1976), pp. 122, 151, 176.

himself on various aspects of the issue."²² But once he had consulted the *shoora* the ruler was just as free as before and could adopt any course he chose.²³

The question of *shoora*, Mufti Shafi' argued, was integrally related to the question of the power and authority of the ruler in an Islamic state. Once we have determined the nature and characteristics of rulership in Islam, the controversy over the role and functions of *shoora* will be automatically resolved. According to Mufti Shafi', the affair of the state should be the responsibility of someone "who has complete authority" and "who could be called *Amir* and *Hakim* in the real sense of the word." He should have "the power to control everything in the country and his obedience should be obligatory on the people."²⁴ The ruler of an Islamic state is not required to share his powers with others. Mufti Shafi' argued:

The history of the earlier nations of the world tells us that once people accept someone as a leader on the basis of his superior wisdom and experience, they follow him all the way. Whatever he speaks, they speak too; whatever he orders, they obey; whatever he suggests, they do it. It is not because the entire country consists of fools and inexperienced people but because they know that his wisdom and experience are superior to their own."²⁵

These views were later forcefully challenged by Professor Khurshid Ahmad, a member of the Central Executive Committee of the *Jam'at-i-Islami* Pakistan and Chairman of the Institute of Policy Studies, Islamabad. Speaking on Mr. Kaikaus' petition before the *Shariah* Bench of the Lahore High Court, Professor Khurshid argued for the position that democracy was the spirit of the governmental system of Islam, and that it attached due respect to the will and the opinion of the majority. In the Islamic polity, every member of the community had a right to express his views freely and this right could not be denied by an executive order. The *shoora* must also be an elected body and enjoy the confidence of the masses. It was, moreover, a decision making body, and its decisions were binding on the *khalifa* (ruler). For without such a binding force, the *Amir* was likely to become a dictator. Furthermore, the *shoora* should have executive as well as legislative powers, as is the case in the parliamentary system. A modern parliament which both functioned within Islamic tenets and did not exercise sovereign powers — as was the case in some Western democracies — could legitimately replace the *shoora*, as conceived in Islam.

²²*Ibid.*, pp. 128-130, 141, 172-174.

²³*Ibid.*, p. 176.

²⁴*Ibid.*, p. 138.

²⁵*Ibid.*, pp. 129-130.

Professor Khurshid rejected the contention that the majority of the people were irresponsible and undependable; on the contrary, he felt that decisions of the majority on important issues were never wrong. Referring to Justice Kaikaus' views on parties and elections, he maintained that political parties and modern election procedures were not in conflict with the modern democratic spirit of the Islamic polity. Instead of being repugnant to Islam, both parties and elections were greatly helpful in achieving the goals set by Islam; the need of the hour, therefore, was to institutionalize them after weeding out some minor elements which were in conflict with Islamic principles. He found no restriction on political parties in Islam, which would fall under the category of "*mubah*" or the "permissible".²⁶ Professor Khurshid also argued that elections facilitate political education, on the one hand, and the accountability of the leadership, on the other, for elections provide the masses with an opportunity to remove leadership in case it has lost the people's confidence. In addition, the *Amir* and *shoora* should be elected for a fixed time.²⁷ Regular elections would keep the spirit of accountability alive in the nation and would act as a safety-valve against violence: if the door to a peaceful change of government were closed, the masses would be compelled to adopt other methods to bring about political change.

Professor Khurshid also said that the "*Olil Amr*" as referred to in the Qur'an, was comprised both of the *Amir* and the *shoora*, and both must enjoy public support and confidence. He felt that any attempt to obstruct the election process in Pakistan would amount to the virtual defeat of Islamic political system.

We have presented Mr. Kaikaus' and Professor Khurshid's views in detail because they represent two opposing ways in which Islamic political theory is being interpreted in Pakistan today. Mr. Kaikaus' interpretation of what constitutes an Islamic polity reflects the views of the military regime while Professor Khurshid articulates the opinion of the Islamic-democratic forces in the country.

²⁶The President of the *Jama'at-i-Islami*, Mian Tufail Mohammad who has otherwise been a consistent supporter of President Zia, went as far as to say that it was "a stupid idea to believe that an Islamic system could be established without political parties." According to him "Islam does not approve of a one-party system. It was only during the lifetime of the Holy Prophet that a single Islamic group or party dominated the whole Islamic community. After the death of the Holy Prophet, there can be no group which can claim monopoly on truth. Hence, the differences on the question of interpretation of Islamic teachings require that there should be different groups and parties to articulate these differing viewpoints."

²⁷This was probably in response to a suggestion made by 'ulama that Islamic history does not substantiate the principle of a fixed term for the *Amir*. Khan Mohammad Ashraf Khan, President of the *Khaksar Tehrik*, a constituent of the Pakistan National Alliance, for example, argued that the "head of the state could only be ousted from his office if he deviated from the teaching of [the] Holy Qur'an and Sunnah. [*The Muslim* (Islamabad), 27 July 1980].

The main points of contention in the debate, as is evident from the above arguments, are who is to select the head of the government in an Islamic state, and what his powers are. President Zia and those who share his views seem to argue that since the common Muslim is almost totally ignorant of Islam and its values, he cannot be trusted to choose the right person to represent him. In fact, according to this view, the establishment of an Islamic state and the holding of representative elections constitute two separate issues and an Islamic government could very well come into power without necessarily going through the electoral process and obtaining the mandate from the majority of the people.²⁸ It has also been suggested in this connection that the present military regime could acquire Islamic legitimacy if only it formally accepts the political and legal sovereignty of Allah and declares in an executive notification that martial law would serve "merely as a representative of God for the sole purpose of enforcing His sovereign power."²⁹

The interpretation of the concept of *shoora* which this group finds acceptable is that the head of the state either appoints a *shoora* — as was the case with the Federal Advisory Council nominated by President Zia — or controls its selection, and that its advice is nonmandatory. The view held by the Islamic democratic forces, on the other hand, argues that since the Qur'an commands Muslims to conduct their affairs through mutual consultation and grants the privilege of *khalifa* to the entire Muslim community rather than to a single individual, the selection of a ruler and the *shoora* must be based on the free will of the Muslim masses, which can be ascertained only through free elections.

As was pointed out by Professor Fazlur Rahman, this debate raised the most fundamental question about the role of the Muslim masses or the Muslim community in an Islamic vision of the state and society.³⁰ Professor Rahman asked that if the condition of the Muslim masses is so derelict that they cannot be trusted even with the task of choosing the right representatives to rule them, what shall be said of those who claim to govern them Islamically? The point is that if the theoretical substructure which underlies all Islamic structural designs is based upon the fundamental principles of equality, brotherhood, and the collective responsibility of the umma to enjoin good and prohibit evil, the rise of an "all-wise", absolutist ruler, or the emergence of a group of "religious experts", in the form of a "council of guardians", who arrogate

²⁸See the speech of Raja Zafar-ul-Haq, Federal Minister for Information and Broadcasting at the *Istehkam-i-Pakistan* Convention, reported in *Daily Jang* (Rawalpindi), 4 September 1982.

²⁹Professor M. Nawaz, "*Islami Nizam aur us key nifaz ki 'amli tadabir*" (Islamic System and the Practical Measures Needed for its Enforcement). *Daily Jang* (Rawalpindi), 13 September 1982.

³⁰Fazlur Rahman, "The Principle of Shura and the Role of Umma", *American Journal of Islamic Studies*, Vol. I, No. 1, 1984.

to themselves all powers — while considering the rest of the Muslims as deaf, dumb, and blind — cannot be considered in conformity with Islam.³¹

Another development which was indicative of the way the military wanted to restructure the political system of Pakistan took place in early 1980 when the 1973 Constitution was amended to provide for the unrestricted powers of the government to curb civil liberties and political freedom. The amendments also prohibited civilian judges from interfering with the decisions of the military courts in both political and criminal offenses. These measures were again sought to be legitimized in Islamic terms; in fact, it was claimed at the time that these measures were prompted by the government's "paramount concern" to preserve the Islamic character of Pakistani society and to "lay the foundation" of a political system based on Islamic principles.³²

Soon after these constitutional amendments, the government allowed the controlled Pakistani press to initiate a national debate on what the future political system of Pakistan should be in the light of Islamic teachings. The idea obviously was to create the impression that there was no consensus on the exact modalities of an Islamic political system and that anything instituted in the name of Islam could very well be considered Islamically acceptable. The debate was probably also intended to highlight the differences among the religious political groups on the question of the future constitutional structure of Pakistan.

About one hundred 'ulama, intellectuals, politicians, ex-civil and military officials and leaders of the Islamic movement participated in the debate. Interestingly enough, their views differed on the basis of where they stood in relation to the military regime. Hence, their definitions of an Islamic state ranged from a dictatorship of one individual to the popular democracy of a utopian kind; from a one-party state dominating all the institutions of civil society to a multi-party pluralist political system with free and regular elections on the basis of adult franchise.

In retrospect, however, the debate proved counter-productive for the regime: representatives of almost all political parties and religious-political groups expressed their support for universal suffrage, party-based elections, independent judiciary, and parliamentary democracy. Prominent among those who argued that parliamentary form of democratic government was closest to the Islamic principles of government included Chaudhri Mohammad Husain Chatha, former President of Pakistan Muslim League;³³ Professor Abdul Ghafoor

³¹*Ibid.*

³²*The Muslim* (Islamabad), 14 January 1980.

³³*Daily Nawa-i-Waqt* (Lahore), 25 July 1980.

Ahmad, a prominent *Jam'at-i-Islami* leader from Karachi;³⁴ Maulana Abdul Mustafa al-Azhari, a *Jamiyat-i-ulama-i-Pakistan* leader from Sind;³⁵ Nawabzada Nasarullah Khan, President of Pakistan Democratic Party;³⁶ Mian Mahmud Ali Kasuri, Vice-President of *Tehrik-e-Istiqlal* party;³⁷ Maulana Shah Ahmad Noorani, President of *Jamiyat-i-'ulama-i-Pakistan*;³⁸ and Ghulam Ahmad Blour, President of the N.W.F.P. National Awami Party.³⁹

There were some who were in favor of imposing restrictions on political parties but only to the extent of the existing laws such as the Political Parties Act of 1962. Others suggested that only those political parties which have Islam and Pakistani nationalism as their operative principles, should be allowed to function.⁴⁰ But the opinion was so overwhelmingly in favor of the restoration of parliamentary form of democracy that the government had to call off the debate in the national press. Instead, it resorted to the familiar tactics of appointing special commissions, committees and councils to discuss the whole question of the basic principles of an Islamic polity and their application in Pakistan. One such committee consisted of 23 members of the *Majlis-e-Shoora*, the Federal Advisory Council nominated earlier by President Zia. Another group asked to discuss these questions and recommend a new constitutional scheme came from the country's leading academic institutions. The Council of Islamic Ideology had previously appointed its own committee which was already engaged in a similar exercise. Over and above all these bodies, there was a "Cabinet Sub-Committee on a Future Political System" which consisted of senior generals, bureaucrats, and federal ministers.

With the exception of the *Majlis-e-Shoora* Committee, none of the others were allowed to publish their reports. The Council of Islamic Ideology was able to publish its report only after revising drastically its original draft. It is generally believed, however, that these reports, on the whole, faithfully reflected the regime's position on the future Constitution of Pakistan. It was only on the question of the role of political parties that the *Shoora* report differed from President Zia's declared position. The special committee of the *Shoora* "felt that in an Islamic state, political parties could be allowed to function in order to protect and safeguard the rights of the people and to ensure checks and balances against the excesses and highhandedness of the government in

³⁴Daily *Imroze* (Lahore), 21 July 1980.

³⁵Daily *Jasarat* (Karachi), 10 August 1980.

³⁶*The Muslim* (Islamabad), 20 August 1980.

³⁷*The Muslim* (Islamabad), 26 July 1980.

³⁸Daily *Nawa-i-Waqt* (Lahore), 15 July 1980.

³⁹Daily *Nawa-i-Waqt* (Lahore), 15 July 1980.

⁴⁰See Professor Mohammad Nawaz, "Islami Nizam. . .", *op.cit.*

power.”⁴¹ Addressing a subsequent session of the *Shoora*, President Zia, however, asked the special committee to “revise its earlier recommendations favoring (a) party system” in view of its divisive nature.⁴² There were others who argued that political parties were conducive to national integration and it was the absence of organized political groups that was likely to breed divisiveness. The prestigious daily *Dawn* (Karachi), for example, wrote in its editorial that non-party elections would mean that “votes will be sought on the basis of family ties, or clannish, ethnic, linguistic, religious or regional associations. Such elections will be very divisive. . . (since only) people with considerable private means or those who submit to the patronage of the feudal lords or industrial barons as godfathers will. . . be able to finance their campaigns.”⁴³

While the special committee of the *Shoora* stood by its original recommendation on the question of political parties, the Council of Islamic Ideology, a subordinate organization of the Ministry of Law, had to give in to the demands of the government. The Council submitted its first report to the President in July 1982. Although it was classified as “confidential”, the report was leaked to the press. The report stated that “the Council is of the firm opinion that elections on non-party basis as such are not advisable.”⁴⁴ This was later confirmed by Justice Pir Karam Shah, a member of the Federal Shariat Court and an observer to the Council’s deliberations, who said in an interview that the Council had recommended elections on party-basis.⁴⁵ A year later, when the Council published the report, its understanding of the role of political parties in an Islamic political system had totally changed. It now stated that “elections on the basis of political parties system are *un-Islamic* and *unlawful* according to the teachings of the Holy Qur’an and Sunnah” (emphasis added).⁴⁶

On the other issues, such as the election and powers of the President and *shoora*, electoral college, and civil liberties, most of the practical recommendations of these reports apparently contradicted their ideological assumptions, for while they all paid rhetorical homage to the Islamic principles of *shoora*, equality and democracy, they nonetheless recommended a constitutional structure which sought to concentrate all power in the hands of the executive branch of the government. The major thrust of these reports was to restrict franchise, to bring into power an

⁴¹*The Pakistan Times* (Lahore), 30 August 1983.

⁴²*Dawn* (Karachi), 22 October 1983.

⁴³*Dawn* (Karachi), 9 September 1983.

⁴⁴*The Muslim* (Islamabad), 27 July 1982.

⁴⁵*The World Islamic Times* (Islamabad), 3 March 1983.

⁴⁶*The Pakistan Times* (Lahore), 28 August 1983.

honest, God-fearing, pious and patriotic leadership through a complex system of screening, and entrust it with maximum power and authority within the broad limits of the *Shariah*.

In July 1983, President Zia set up another commission under the chairmanship of Maulana Zafar Ahmad Ansari, a seasoned politician and a veteran of the Pakistan movement. The commission was asked to go through the recommendations of earlier committees and bodies assigned the job of discussing the future set-up of the government and submit a report of its own on the subject. The 16-member commission comprised of seven 'ulama, three members of the Federal Council, three educationists from government institutions, two retired judges, and one woman.

Given the fact that almost all members of the commission had already expressed themselves in support of the "Islamic political system" as defined by the government officials, the report of the Ansari Commission was no different from its predecessors. Its underlying concern to reconcile the Islamic principles of *shoora*, accountability, and democracy with the imperative of the reality of martial law could only have been realized at the cost of considerable normative contradictions and grave conceptual inconsistencies. Consequently, the report failed to establish any logical linkages between its discussion of the theoretical substructure of the Islamic political system, on the one hand, and the place of such modern day political institutions as political parties, elections, parliaments, the mass media, universal suffrage, etc., on the other. The report also failed to transcend the simplistic Islam-democracy dichotomy that has dominated so much discussion on the future political system of Pakistan.

The Commission recommended a system of '*Shoorai Amarat*' (consultative rulership) whose most "important pillar" was the *Amir*.⁴⁷ It also concluded that the present mode of elections was not in consonance with Islamic principles; therefore, it recommended elections on a non-party basis. The Commission held that the political party system was "in fact a negation of Islamic principles" and must be abolished forthwith. Political parties, by their very existence, "do considerable harm not only to the country but (also to) the interests of the common man..." The commission also restricted the membership of the *shoora* to graduates of religious schools or institutions of higher education and disallowed canvassing and electioneering in one's own favor. A woman who was under the age of 50 could not become a member of the *shoora*.

⁴⁷The report of the Ansari Commission has not been officially published so far although unauthorized copies of the report are freely circulating in the country and abroad. Some parts of the report were also reported in *Dawn* (Karachi), 2 September 1983. The discussion of the Ansari report in this paper is based on a 6-page story published in *The World Islamic Times* (Islamabad), 15 December 1983, which gave a summary of its major recommendations.

She would also need "written permission" from her husband in order to be considered a candidate by the Election Commission. Another important recommendation of the Commission related to the establishment of a "National Council" — a favorite idea of President Zia which he seemed to have picked up from the Turkish model — a super-body consisting of senior military and civilian officials (both elected and appointed) which would take charge of all governmental policies and operations in crisis situations.⁴⁸

In August 1983, President Zia spelled out a new constitutional framework on the basis of some of the recommendations of the Ansari report. It provided for fundamental changes in the 1973 Constitution and called for elections on a non-party basis by March 1985.

In December 1984, President Zia decided to hold a referendum in order to seek approval for his Islamization policies and the proposed election schedule on the one hand, and a mandate for another five years in power, on the other. According to a government report, 62 percent of the registered voters took part in the referendum and 97.7 percent of these returned a 'yes' vote.⁴⁹ The President hailed the results of the referendum "as a final seal of approval in favor of Islam."⁵⁰ Although President Zia had earlier rejected the idea of retaining political power through holding referendum,⁵¹ it was becoming increasingly apparent to political observers that such a move was in the offing.⁵²

⁴⁸The idea that the political role of the armed forces should be permanently provided in the Constitution in view of the "delinquent" behavior of the politicians, has been promoted consistently by President Zia since 1978. According to this view, an institutionalized political role of the armed forces will prove a check against periodic direct military intervention in the political process and will also ensure a measure of "moderation" on the part of the elected officials. See, for example, Ikram Azam, *Beyond Operation Fair-Play* (Lahore: Progressive Publishers, 1979), pp. 17-18.

⁴⁹*Eastern Times weekly* (New York), 28 December 1984.

⁵⁰*The Washington Times*, 24 December 1984.

⁵¹In an interview which he gave to Mr. Altaf Hussain Qureshi, editor of the *Urdu Digest* and a long time supporter of the military regime, President Zia had categorically denied the "allegation" that he would "follow the footsteps of (General) Zia-ur-Rahman (of Bangladesh) and would hold referendum in order to become the President of Pakistan." President Zia said that "there was not even an iota of truth in this (type of) distorted thinking." See *The Urdu Digest* (Lahore), October, 1977, p. 31.

⁵²Mr. A.K. Brohi, formerly Minister of Law and Parliamentary Affairs in Zia's cabinet, was among those who publicly advocated the idea of referendum for presidential election. The government-controlled educational and research institutions were also promoting the idea of referendum, describing it as "an authentic Islamic institution". Dr. Mohammad Masoud, the head of the History and Philosophy of Science Unit of the Islamabad-based Islamic Research Institute, for example, had proposed in December 1983 that the President of the country should be elected through referendum. This, he argued, would be in line with the precedents of the elections of pious caliphs (Khulafa-e-Rashdun). The most interesting part of his suggestion was that only that person should be considered eligible to seek popular mandate to become the President of the country "whose performance as head

Now when the referendum is over and President Zia has been elected for another five years, the issue of the election of the *Amir* in an Islamic political system seems to have been "resolved" through an executive order, although ideological debate is likely to continue unabated. It is now clear from the recent statements of President Zia and some members of his cabinet that the question of the place and role of political parties, polls, and parliament in a polity based on Islamic principles will be similarly resolved, i.e., through a martial law regulation. There are strong indications that the elections for the federal and provincial assemblies, which are scheduled to be held before March 1985, will be held on non-party basis with the Election Commission exercising enormous arbitrary powers of screening the candidates and passing moral judgments on their behavior, observance of Islamic rituals, and general reputation as good Muslims and patriotic Pakistanis.

The process of finding ways and means to operationalize the Islamic principles of state and polity has thus turned full circle: the power remains in the same hands, and the debate on Islam and power remains inconclusive.

of the state has already been tested by the people for many years." In other words, one has to have "previous practical experience" as President in order to become a President! Alternatively, Dr. Masoud suggested that the election of the President and the *shoora* should be entrusted to an electoral college consisting of "men of appropriate knowledge and experience of governmental affairs." These would include the 'ulama, educationists, journalists, scientists, engineers, doctors, police and military officers, senior federal and state officials, and lawyers. According to Dr. Masoud, there was nothing unusual about his proposal for the election of the President and the *shoora*: "Don't we usually entrust our parents and elders to choose our mates in marriage?" See Dr. Mohammad Masoud, "*Amir-e-riyasat aur arkan-e-shoora ka intikhab*" (The Election of the Head of the State and Members of the *shoora*), a paper presented in the "International Conference on the Concept of an Islamic State," organized by the Hamdard Foundation. This paper was subsequently published in *Mashriq International* (Lahore), 30 September 1984, pp. 2, 15.